



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

August 7, 2002

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. in the 7th floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item	The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.
Meeting Procedures	The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, <u>any item</u> may be considered in <u>any order</u> . After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING A G E N D A

WEDNESDAY
AUGUST 7, 2002
9:30 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance
Commendations/Proclamations

Randy Attaway, Chairperson
Clerk of the Boards

Retirement of James R. Guthrie, Director of Compliance and Enforcement

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3
Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

CONSENT CALENDAR (ITEMS 1 – 7)

Staff/Phone (415) 749-

1. Minutes of July 17, 2002
M. Romaidis/4965
mromaidis@baaqmd.gov
2. Communications
W. Norton/5052
exec@baaqmd.gov
Information only
3. Report of the Advisory Council
R. Sawyer/4962
rsawyer@me.berkeley.edu
4. Quarterly Report of Air Resources Board Representative - Honorable Mark DeSaulnier
W. Norton/5052
exec@baaqmd.gov
5. Comparison Report of District Energy Use
W. Tanaka/5066
wtanaka@baaqmd.gov
Report of District energy use beginning January 2000 through July 2002
6. Status Report on Phillips 66 July 10, 2002 Incident
J. Guthrie/4787
jguthrie@baaqmd.gov
7. Notification of Contract in Excess of \$20,000
W. Norton/5052
exec@baaqmd.gov

Pursuant to the District's Administrative Code Division II, Section 4.3, Fiscal Policies and Procedures, this is notification of a contract executed to Industrial Employers and Distributors Association (IEDA) in the amount of \$32,908 for professional services on matters relating to meet and confer, advise and consent, letters of understanding, negotiations, and other matters pursuant to provisions of the Meyers Miliias-Brown Act (Government Code Section 3500 et seq).

COMMITTEE REPORTS AND RECOMMENDATIONS

8. Report of the **Regional Agency Coordinating Committee** Meeting of July 12, 2002
CHAIR: M. DeSAULNIER
W. Norton/5052
exec@baaqmd.gov

9. Report of the **Executive Committee** Meeting of July 31, 2002
CHAIR: R. ATTAWAY
W. Norton/5052
exec@baaqmd.gov

PRESENTATION

10. Enforcement Division Public Nuisance and Odor Complaint Policy
J. Guthrie/4787
jguthrie@baaqmd.gov

Staff will give an overview of the Enforcement Division's Public Nuisance and Odor Complaint Policy.

OTHER BUSINESS

11. Report of the CEO/Executive Secretary
12. Report of the Air Pollution Control Officer
13. Chairperson's Report

CLOSED SESSION

14. Conference with District's Labor Negotiators
(Government Code § 54957.6(a))
Agency Negotiators: William C. Norton
Un-Represented Employees: Management, Confidential and Retirees
15. Conference with Legal Counsel
A. Existing Litigation:
Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following cases:
1. **Stonelight Tile, Inc. and David Anson v. Bay Area AQMD**, United States District Court, N.D. Cal., San Jose Division, Case No. CV 98-21060 (JW) (PVT)
 2. **Alvin J. Greenberg, Ph.D. v. Bay Area AQMD, et al.**, United States District Court, N.D. Cal., Case No. C 02 1501 VRW
 3. **Makdessian v. City of Mountain View, et al.**, United States District Court, N.D. Cal., Case No. C 02 2046 CW
 4. **People of the State of California by and through Bay Area AQMD v. Read-Rite Corporation**, Alameda County Superior Court, Case No. 2001024690

CLOSED SESSION CONTINUED

16. Public Employee Appointment

Pursuant to Government Code Section 54957, the Board will meet in closed session to receive the Report of the Executive Recruitment Ad Hoc Committee meeting of July 31, 2002 and to consider the recommendations of the Committee for filling the position of CEO/Executive Secretary.

OPEN SESSION

17. Board Members' Comments

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

18. Place of Next Meeting - 9:30 a.m., Wednesday, September 4, 2002 939 Ellis Street, San Francisco, CA 94109

19. Adjournment

WCN:mag